

UNOFFICIAL VERSION

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WEDNESDAY, APRIL 4, 2012

SIXTY-SEVENTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 8:30 a.m., and was called to order by Mr. Speaker Ramsey.

PRAYER

The proceedings were opened with prayer by Minister Kyle Bolton of Church Street Church of Christ in Lewisburg, Tennessee, a guest of Senator Tracy.

PLEDGE OF ALLEGIANCE

Senator Tracy led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 33

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

STANDING COMMITTEE REPORTS

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 420, 429, 674, 2407, 2421, 2617, 2962, 2999, 3062, 3174 with amendment, 3262, 3288 and 3424.

MCNALLY, Chairperson
April 3, 2012

The Speaker announced that he had referred Senate Bills Nos. 420, 429, 674, 2407, 2421, 2617, 2962, 2999, 3062, 3174 with amendment, 3262, 3288 and 3424 to the Committee on Calendar.

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 1329 with amendment, 2420 with amendment, 3183 with amendment, 3223 with amendment and 3700 with amendment; and House Joint Resolutions Nos. 557, 587 with amendment and 664; also, recommend that Senate Bill No. 2177 with amendment be referred to Committee on Finance, Ways and Means.

YAGER, Chairperson
April 3, 2012

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The Speaker announced that he had referred Senate Bills Nos. 1329 with amendment, 2420 with amendment, 3183 with amendment, 3223 with amendment and 3700 with amendment; and House Joint Resolutions Nos. 557, 587 with amendment and 664 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 2177 with amendment to the Committee on Finance, Ways and Means.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 1759 with amendment, 2817 with amendment, 2398, 2480 with amendment, 2544 with amendment, 2795, 3101 with amendment, 3202, 3635 with amendment, 3594, 3602 with amendment and 3691; also, recommend that Senate Bills Nos. 3004, 3005 with amendment and 3018 with amendment; and Senate Joint Resolutions Nos. 693 and 710 with amendment be referred to Committee on Finance, Ways and Means.

BEAVERS, Chairperson
April 3, 2012

The Speaker announced that he had referred Senate Bills Nos. 1759 with amendment, 2817 with amendment, 2398, 2480 with amendment, 2544 with amendment, 2795, 3101 with amendment, 3202, 3635 with amendment, 3594, 3602 with amendment and 3691 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 3004, 3005 with amendment and 3018 with amendment; and Senate Joint Resolutions Nos. 693 and 710 with amendment to the Committee on Finance, Ways and Means.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 1105, 2237, 2847, 2998, 3373, 3581, 3633, 3792, 3841, 3846, 3857, 3863 and 3866** be passed on first consideration, which motion prevailed.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 1105 -- Education -- As introduced, requires an LEA revising its policy prohibiting harassment, intimidation, or bullying, which was filed with the Commissioner of Education, to transmit the revised policy to the commissioner. Amends TCA Title 49.

House Bill No. 2237 -- Teachers, Principals and School Personnel -- As introduced, revises certain provisions concerning dismissal or suspension of teachers. Amends TCA Title 49, Chapter 5, Part 5.

House Bill No. 2847 -- Child Custody and Support -- As introduced, creates a rebuttable presumption that awarding sole custody, joint legal or joint physical custody or unsupervised visitation to the perpetrator of child abuse or child sexual abuse is not in the best interest of the child. Amends TCA Title 36; Title 37; Title 39, Chapter 13; Title 39, Chapter 15 and Title 39, Chapter 17.

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House Bill No. 2998 -- Traffic Safety -- As introduced, prohibits animals in a driver's lap or between the driver and the driver's door while the motor vehicle is in motion. Amends TCA Title 55, Chapter 8, Part 2.

House Bill No. 3373 -- Highway Signs -- As introduced, designates segment of State Route 385 in Shelby and Fayette counties as "Governor Winfield Dunn Parkway".

House Bill No. 3581 -- Professions and Occupations -- As introduced, requires the Commissioner of Commerce and Insurance to maintain a registry of current locksmiths and any disciplinary actions against them on the department's Web site. Amends TCA Title 62, Chapter 11.

House Bill No. 3633 -- Beer -- As introduced, authorizes the beer boards in the four major counties to suspend or revoke the beer permit if the Alcoholic Beverage Commission suspends or revokes the alcohol license of the establishment; requires the commission to notify the beer board of such action taken by the commission. Amends TCA Title 57, Chapter 4, Part 2 and Title 57, Chapter 5, Part 1.

House Bill No. 3792 -- Funeral Directors and Embalmers -- As introduced, clarifies that every person desiring to engage in the practice or business of embalming, not previously licensed in this state, must make application to the board of funeral directors and embalmers along with a nonrefundable fee; clarifies that the operator of a crematory facility must obtain a permit for cremation of human remains prior to performing a cremation. Amends TCA Title 62, Chapter 5.

House Bill No. 3841 -- Rutherford County -- As introduced, subject to local approval, adjusts election cycle for county road board districts to coincide with elections for school districts. Amends Chapter 55 of the Private Acts of 1951, as amended.

House Bill No. 3846 -- Elkton -- As introduced, subject to local approval, revises the charter of the City of Elkton relative to the requirements for becoming chief of police and to correct a typographical error. Amends Chapter 431 of the Acts of 1907; as amended by Chapter 49 of the Private Acts of 2007.

House Bill No. 3857 -- Dickson County -- As introduced, subject to local approval, decreases, from 12 to six, the number of County Highway Commissioners beginning in the August 2014 regular election; requires commissioners be elected from the same districts as county school board members. Amends Chapter 53 of the Private Acts of 1985.

House Bill No. 3863 -- Jackson -- As introduced, subject to local approval, amends charter relative to the seeking of multiple positions in a single municipal election, vacancy and removal of council members, adoption of a redistricting ordinance, city judge and city court clerk salaries, and other charter revisions.

House Bill No. 3866 -- Lexington -- As introduced, subject to local approval, revises various provisions of the charter related to residency of department heads; gives control and supervision of the electric plant to the board of mayor and aldermen instead of an electric utility board. Amends Chapter 402 of the Acts of 1901; as amended and rewritten.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 733 through 741**; and **Senate Resolutions Nos. 94 and 95** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 733 by Senator Norris.

Memorials, Retirement -- Dr. Harry Green, Executive Director of TACIR.

Senate Joint Resolution No. 734 by Senator Beavers.

Memorials, Academic Achievement -- Alec Mullen, Salutatorian, Mt. Juliet High School.

Senate Joint Resolution No. 735 by Senator Beavers.

Memorials, Academic Achievement -- Forrest Goodwin, Valedictorian, Mt. Juliet High School.

Senate Joint Resolution No. 736 by Senator Henry.

Memorials, Recognition -- Catholic Diocese of Nashville, 175th anniversary.

Senate Joint Resolution No. 737 by Senator Haynes.

Memorials, Retirement -- Clint Parnell.

Senate Joint Resolution No. 738 by Senator Johnson.

Memorials, Recognition -- Commends Tennessee's libraries and Tennessee Library Day.

Senate Joint Resolution No. 739 by Senator Watson.

Memorials, Retirement -- Assistant Chief James T. Carroll, Chattanooga Police Department.

Senate Joint Resolution No. 740 by Senator Crowe.

Memorials, Death -- Haynes Edwin Elliott.

Senate Joint Resolution No. 741 by Senator Berke.

Memorials, Recognition -- Patsy Hazlewood, 2012 Tennessee Woman of Distinction.

Senate Resolution No. 94 by Senator Crowe.

General Assembly -- Urges the board of medical examiners to promulgate rules to prescribe standards for the practice of cosmetic procedures using laser invasive technology and chemical peels.

Senate Resolution No. 95 by Senator Gresham.

Memorials, Death -- Rex Bond.

MOTION

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 623, 695, 712, 713, 724, 742 through 744, 823, 842 and 846**; and **Senate Joint Resolutions Nos. 727 through 732** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

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House Joint Resolution No. 623 -- Highway Signs -- Names segment of U.S. 45 in McNairy County in honor of the late Frederick D. Wyke.

The Speaker announced that he had referred House Joint Resolution No. 623 to the Committee on Transportation and Safety.

House Joint Resolution No. 695 -- Memorials, Recognition -- John Rich.

The Speaker announced that he had referred House Joint Resolution No. 695 to the Committee on Calendar.

House Joint Resolution No. 712 -- Naming and Designating -- "Tennessee Learn to Ski and Snowboard Month", January, 2013.

The Speaker announced that he had referred House Joint Resolution No. 712 to the Committee on Energy and Environment.

House Joint Resolution No. 713 -- Highway Signs -- "Polk County Veterans Memorial Bridge", U.S. 411 and U.S. 64 in Polk County.

The Speaker announced that he had referred House Joint Resolution No. 713 to the Committee on Transportation and Safety.

House Joint Resolution No. 724 -- General Assembly, Statement of Intent or Position -- Endorses "Read Across America" program.

The Speaker announced that he had referred House Joint Resolution No. 724 to the Committee on Education.

House Joint Resolution No. 742 -- Memorials, Congress -- Requests the Tennessee Congressional delegation to take action against the closure of the Shallowford Road Mail Processing and Distribution Center in Chattanooga.

The Speaker announced that he had referred House Joint Resolution No. 742 to the Committee on Finance, Ways and Means.

House Joint Resolution No. 743 -- General Assembly, Statement of Intent or Position -- Urges U.S. Postal Service to rescind decision to close the Shallowford Road Mail Processing and Distribution Center in Chattanooga.

The Speaker announced that he had referred House Joint Resolution No. 743 to the Committee on Finance, Ways and Means.

House Joint Resolution No. 744 -- Naming and Designating -- "Nashville Navy Week", May 7-13, 2012.

The Speaker announced that he had referred House Joint Resolution No. 744 to the Committee on State and Local Government.

House Joint Resolution No. 823 -- Memorials, Recognition -- Bobbie Patray.

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The Speaker announced that he had referred House Joint Resolution No. 823 to the Committee on Calendar.

House Joint Resolution No. 842 -- Memorials, Recognition -- Charlie Foust & Clarksville Foundry.

The Speaker announced that he had referred House Joint Resolution No. 842 to the Committee on Calendar.

House Joint Resolution No. 846 -- Memorials, Recognition -- Walmart Distribution Center and Transportation Office, 15 year anniversary.

The Speaker announced that he had referred House Joint Resolution No. 846 to the Committee on Calendar.

Senate Joint Resolution No. 727 -- Memorials, Academic Achievement -- Dakota Scott Rakestraw, Valedictorian, Stewart County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 727 to the Committee on Calendar.

Senate Joint Resolution No. 728 -- Memorials, Academic Achievement -- Clarissa Hsin en Wu, Salutatorian, Stewart County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 728 to the Committee on Calendar.

Senate Joint Resolution No. 729 -- Memorials, Professional Achievement -- Dr. Harry McSween, J. Lawrence Smith Medal.

The Speaker announced that he had referred Senate Joint Resolution No. 729 to the Committee on Calendar.

Senate Joint Resolution No. 730 -- Memorials, Recognition -- Mary Ann Duncan, 2012 Super Senior.

The Speaker announced that he had referred Senate Joint Resolution No. 730 to the Committee on Calendar.

Senate Joint Resolution No. 731 -- Memorials, Recognition -- Joseph A. Swann.

The Speaker announced that he had referred Senate Joint Resolution No. 731 to the Committee on Calendar.

Senate Joint Resolution No. 732 -- Memorials, Death -- Tutt S. Bradford.

The Speaker announced that he had referred Senate Joint Resolution No. 732 to the Committee on Calendar.

MOTION

Senator Faulk moved that **Senate Joint Resolution No. 723** be rereferred to the Committee on Calendar, which motion prevailed.

CONSENT CALENDAR

Senate Joint Resolution No. 722 -- Memorials, Public Service -- Senator Andy Berke.

Senate Joint Resolution No. 726 -- Memorials, Death -- J.H. "Tommy" Dykes.

Senate Resolution No. 92 -- Memorials, Recognition -- John Baer.

House Joint Resolution No. 828 -- Memorials, Recognition -- Ducks Unlimited, 75th anniversary.

House Joint Resolution No. 829 -- Memorials, Academic Achievement -- Alina-Sarai Gal-Chis, Salutatorian, Wilson Central High School.

House Joint Resolution No. 831 -- Memorials, Death -- Paul Eugene "Gene" Johnson.

House Joint Resolution No. 832 -- Memorials, Recognition -- The University of Tennessee, Knoxville, College of Business Administration.

House Joint Resolution No. 833 -- Memorials, Professional Achievement -- Heather Hayes, Mid-Cumberland Regional High School Teacher of the Year, Centennial High School.

House Joint Resolution No. 834 -- Memorials, Professional Achievement -- Tiffany Wilson-Mobley, Elementary School Teacher of the Year, Williamson County.

House Joint Resolution No. 835 -- Memorials, Death -- Tutt S. Bradford.

House Joint Resolution No. 836 -- Memorials, Recognition -- Donald W. Blocker.

House Joint Resolution No. 837 -- Memorials, Recognition -- The Farmers Bank.

House Joint Resolution No. 838 -- Memorials, Recognition -- Village Drugs.

Senator Faulk moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

LOCAL BILL
CONSENT CALENDAR

Senate Bill No. 3801 -- Monroe County -- As introduced, subject to local approval, reapportions, after the 2010 U.S. census, Monroe County school districts. Amends Chapter 117 of the Private Acts of 1963.

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Senator Faulk moved that all Senate Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

MOTION

Senator Johnson moved that Rule 37 be suspended for the immediate consideration of **Senate Joint Resolution No. 738**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 738 -- Memorials, Recognition -- Commends Tennessee's libraries and Tennessee Library Day.

On motion of Senator Johnson, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 738** was adopted.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 1864 -- Short Term Loans and Lenders -- As introduced, requires all pawnbrokers to take thumbprint of any person pledging property at a pawnshop; requires pawnbrokers to require state or federal photo identification card of anyone pawning property and photocopy such identification. Amends TCA Title 45, Chapter 6, Part 2.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 45-6-213(b), is amended by deleting the subsection in its entirety and substituting instead the following:

(b) To obtain possession of purchased or pledged goods held by a pawnbroker which a claimant claims to be misappropriated or stolen, the claimant shall notify the pawnbroker by certified mail, return receipt requested, or in person evidenced by signed receipt, of the claimant's claim to the purchased or pledged goods, The notice shall contain a complete and accurate description of the purchased

or pledged goods and shall be accompanied by a legible copy of the applicable law enforcement agency's report on the misappropriation or theft of such property. If the claimant and the pawnbroker do not resolve the matter within ten (10) days after the pawnbroker's receipt of the notice, the claimant may petition the court to order the return of the property, naming the pawnbroker as a defendant, and must serve the pawnbroker with a copy of the petition. The pawnbroker shall hold the property described in the petition until the right to possession is resolved by the parties or by a court of competent jurisdiction. The court shall waive any filing fee for the petition to recover the property, and the sheriff shall waive the service fees.

(c) If, after notice and a hearing, the court finds that the property was misappropriated or stolen and orders the return of the property to the claimant:

(1) The claimant may recover from the pawnbroker the cost of the action, including the claimant's reasonable attorney's fees; and

(2)(A) If the conveying customer is convicted of theft, a violation of this section, or dealing in stolen property, the court shall order the conveying customer to repay the pawnbroker the full amount the conveying customer received from the pawnbroker for the property, plus all applicable pawn service charges.

(B) As used in this paragraph, the term "convicted of" includes a plea of *nolo contendere* to the charges or any agreement in which adjudication is withheld; and

(3) The conveying customer shall be responsible to pay all attorneys fees and taxable costs incurred by the pawnbroker in defending a replevin action or any other civil matter wherein it is found that the conveying customer was in violation of this subdivision.

(d) If the court finds that the claimant failed to comply with the requirements in subsection (b) or otherwise finds against the claimant, the claimant is liable for the defendants' costs, including reasonable attorney's fees.

(e) The sale, pledge, or delivery of tangible personal property to a pawnbroker by any person in this state is considered to be:

(1) An agreement by the person who sells, pledges, or delivers the tangible personal property that the person is subject to the jurisdiction of the court in all civil actions and proceedings arising out of the pledge or sale transaction filed by either a resident or nonresident plaintiff;

(2) An appointment of the secretary of state by any nonresident of this state as that person's lawful attorney and agent upon whom may be served all process in suits pertaining to the actions and proceedings arising out of the sale, pledge, or delivery; and

(3) An agreement by any nonresident that any process in any suit so served has the same legal force and validity as if personally served in this state.

(f) When an appropriate law enforcement official has probable cause to believe that property in the possession of a pawnbroker is misappropriated or stolen, the official may place a written hold order on the property. The written hold order shall impose a holding period not to exceed ninety (90) days unless extended by court order. The appropriate law enforcement official may rescind, in writing, any hold order. An appropriate law enforcement official may place only one hold order on property.

(g) Upon the expiration of the holding period, the pawnbroker shall notify, in writing, the appropriate law enforcement official by certified mail, return receipt requested, that the holding period has expired. If, on the tenth day after the written notice has been received by the appropriate law enforcement official, the pawnbroker has not received from a court an extension of the hold order on the property and the property is not the subject of a proceeding under this subsection, title to the property shall vest in and be deemed conveyed by operation of law to the pawnbroker, free of any liability for claims but subject to any restrictions contained in the pawn transaction contract and subject to the provisions of this section.

(h) A hold order must specify:

(1) The name and address of the pawnbroker.

(2) The name, title, and identification number of the representative of the appropriate law enforcement official or the court placing the hold order.

(3) If applicable, the name and address of the appropriate law enforcement official court to which such representative is attached and the number, if any, assigned to the claim regarding the property.

(4) A complete description of the property to be held, including model number and serial number if applicable.

(5) The name of the person reporting the property to be misappropriated unless otherwise prohibited by law.

(6) The mailing address of the pawnbroker where the property is held.

(7) The expiration date of the holding period.

(i) The pawnbroker or the pawnbroker's representative must sign and date a copy of the hold order as evidence of receipt of the hold order and the beginning of the ninety (90) day holding period.

(j)(1) Except as provided in subdivision (j)(2) of this subsection, a pawnbroker may not release or dispose of property subject to a hold order except pursuant to a court order, a written release from the appropriate law enforcement official, or the expiration of the holding period of the hold order,

(2) While a hold order is in effect, the pawnbroker shall, upon request, release the property subject to the hold order to the custody of the appropriate law enforcement official for use in a criminal investigation. The release of the property to the custody of the appropriate law enforcement official is not

considered a waiver or release of the pawnbroker's property rights or interest in the property. Upon completion of the criminal proceeding, the property must be returned to the pawnbroker unless the court orders other disposition. When such other disposition is ordered, the court shall additionally order the conveying customer to pay restitution to the pawnbroker in the amount received by the conveying customer for the property together with reasonable attorney's fees and costs.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

AMEND by deleting the language "pledged goods, The notice" in subsection (b) of Section 1 and by substituting instead the language "pledged goods. The notice" and further amend in subsection (b) of Section 1 by deleting the language "court of competent jurisdiction, The court" and by substituting instead the language "court. The court".

AND FURTHER AMEND by deleting the language "may petition the court to order the return of the property" in subsection (b) of Section 1 and by substituting instead the language "may petition a court of competent jurisdiction to order the return of the property".

AND FURTHER AMEND by deleting the language ", a violation of this section, or dealing in stolen property" in subdivision (c)(2)(A) in Section 1 and by substituting instead the language "or dealing in misappropriated or stolen property".

AND FURTHER AMEND by deleting subdivision (c)(3) in Section 1 and by substituting instead the following language:

(3) The conveying customer shall be responsible for paying all attorney fees and costs incurred by the pawnbroker in defending a replevin action or any other civil matter wherein it is found that the conveying customer has been convicted of theft or dealing in misappropriated or stolen property.

AND FURTHER AMEND by deleting the language "the court" in subdivision (e)(1) in Section 1 and by substituting instead the language "a court of competent jurisdiction".

AND FURTHER AMEND by deleting the language "one hold order on property" in subsection (f) in Section 1 and by substituting instead the language "one (1) hold order on the property".

AND FURTHER AMEND by deleting the language "law enforcement official court" in subdivision (h)(3) in Section 1 and by substituting instead the language "law enforcement official or court".

AND FURTHER AMEND by inserting the language "or stolen" immediately following the language "misappropriated" in subdivision (h)(5) in Section 1.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

On motion, Amendment No. 1, as amended, was adopted.

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Thereupon, **Senate Bill No. 1864**, as amended, passed its third and final consideration by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

Senate Bill No. 2342 -- Sunset Laws -- As introduced, extends the board of ground water management, June 30, 2013. Amends TCA Title 4, Chapter 29 and Title 69, Chapter 10, Part 1.

On motion, Senate Bill No. 2342 was made to conform with **House Bill No. 2505**.

On motion, House Bill No. 2505, on same subject, was substituted for Senate Bill No. 2342.

On motion of Senator Bell, Amendment No. 1 was withdrawn.

Senator Bell moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 69-10-107, is amended by adding the following new language immediately preceding subsection (d) and by redesignating the subsequent subsection accordingly:

(d) The board shall adopt and implement rules and regulations to create a conflict of interest policy for board members. The policy shall mandate annual written disclosures of financial interests, other possible conflicts of interest, and an acknowledgement by board members that they have read and understand all aspects of the policy. The policy shall also require persons who are to be appointed to the board to acknowledge, as a condition of appointment, that they are not in conflict with the conditions of the policy.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 2505**, as amended, passed its third and final consideration by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

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A motion to reconsider was tabled.

Senator Tracy moved that **Senate Bill No. 2492** be placed on the Calendar for Monday, April 9, 2012, which motion prevailed.

Mr. Speaker Ramsey moved that **Senate Bill No. 2610** be placed at the heel of the Calendar for today, which motion prevailed.

Senator Johnson moved that **Senate Bill No. 2735** be placed on the Calendar for Wednesday, April 11, 2012, which motion prevailed.

Senator Southerland moved that **Senate Bill No. 2754** be placed on the Calendar for Wednesday, April 11, 2012, which motion prevailed.

Senator Tracy moved that **Senate Bill No. 2811** be placed on the Calendar for Thursday, April 12, 2012, which motion prevailed.

Senate Bill No. 2821 -- Labor -- As introduced, establishes certain public policies for employees under right to work law; provides for employers to post certain notices; provides for certain enforcement responsibilities by the Department of Labor and Workforce Development. Amends TCA Title 50, Chapter 1, Part 2.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting subsections (b), (c), (d), and (e) in Section 1 of the bill in their entirety and substituting instead the following language, and redesignating the remaining subsection (f) accordingly:

(b) Private employers may physically post notice of the rights described in this section, at locations where notices are normally posted, informing employees about their rights under this section, or may physically disseminate such notice to employees if no such normal location for posting exists.

(c) To assist private employers in informing workers of their rights as described in this section, the Commissioner of Labor and Workforce Development shall create model notice language reiterating the public policies of this state espoused in this part, which may be used by private employers accordingly.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2821**, as amended, passed its third and final consideration by the following vote:

Ayes 28
Noes 3

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Senators voting aye were: Beavers, Bell, Berke, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson and Mr. Speaker Ramsey--28.

Senators voting no were: Barnes, Burks and Marrero--3.

A motion to reconsider was tabled.

Senate Bill No. 2870 -- Fire Prevention and Investigation -- As introduced, requires specified disclosures related to fire suppression and other related services on residential real estate disclosure form; must identify organization that provides such services; such organizations must respond to request for information necessary to complete the form within 10 business days of request for information. Amends TCA Title 5, Chapter 17; Title 12, Chapter 3; Title 66, Chapter 5 and Title 68, Chapter 102.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 5, Chapter 17, Part 1, is amended by deleting the language "fire tax" wherever such language appears in each section of this part and by substituting instead the language "fire and emergency services tax".

SECTION 2. Any county which, prior to the effective date of this act, has created a fire tax district or imposed a fire tax pursuant to this part is not required, but is authorized, to adopt a resolution to rename the district or the tax to be designated as the fire and emergency services tax district or the fire and emergency services tax; provided that such district shall hereafter be known and cited as the fire and emergency services tax district and the tax shall be known and cited as the fire and emergency services tax.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2870**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senate Bill No. 2871 -- Public Works Projects -- As introduced, increases threshold for public works that require a registered architect, registered engineer, or registered landscape architect from \$25,000 to \$150,000; increases the \$150,000 amount by CPI every odd-numbered year. Amends TCA Title 62, Chapter 2.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-2-107(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b)(1) Nothing in this section shall be held to apply to such public work if:

(A) The contemplated expenditure for the complete project does not exceed twenty-five thousand dollars (\$25,000), and the work does not alter the structural, mechanical or electrical system of the project; or

(B) The contemplated expenditure for the complete project does not exceed one hundred thousand dollars (\$100,000), the project is located in a state park, and the work is solely maintenance, as defined in the policy and procedures of the State Building Commission.

(2) For a public work located in a state park, existing plans may be used as a basis of design if the plans have been designed and sealed by a registered architect, engineer, or landscape architect and a registered architect, engineer, or landscape architect reviews such plans for compliance with all applicable codes and standards and appropriateness for the site conditions of the project, makes changes if required, and seals the plans in accordance with the requirements of this chapter.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it and shall apply to plans, specifications, or estimates created for public works on or after July 1, 2012.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2871**, as amended, passed its third and final consideration by the following vote:

Ayes 27
Noes 4

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Watson, Yager and Mr. Speaker Ramsey--27.

Senators voting no were: Barnes, Berke, Herron and Marrero--4.

A motion to reconsider was tabled.

Senate Bill No. 2916 -- Funeral Directors and Embalmers -- As introduced, establishes priority of right to the disposition of human remains and limits certain liability of funeral establishments and funeral directors. Amends TCA Title 32; Title 47; Title 62, Chapter 5 and Title 68.

Senator Ford declared Rule 13 on **Senate Bill No. 2916**.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-5-502, is amended by deleting the section in its entirety.

SECTION 2. Tennessee Code Annotated, Title 62, Chapter 5, is amended by adding the following language as a new, appropriately designated part:

62-5-701. As used in this part, unless the context otherwise requires:

(1) "Disposition directions" means a legible written instrument signed by the decedent and acknowledged by a notary or witnessed by two (2) persons who are qualified adults; provided, that such written instrument may be, but is not limited to, a letter of instructions, a will, a trust document, or an advance directive;

(2) "Qualified adult" means a person who is eighteen (18) years of age or older and of sound mind; and

(3) "Right of disposition" means the right to determine the disposition of the remains of a decedent, including the location, manner, and conditions of disposition and arrangements for funeral goods and services.

62-5-702.

(a) A qualified adult, by entering into disposition directions or a pre-need funeral contract executed pursuant to Part 4 of this chapter, may direct the location, manner and conditions of disposition of the adult's remains, and the arrangements for funeral goods and services to be provided upon the adult's death.

(b) No disposition directions or pre-need funeral contract shall be subject to cancellation or substantial revision unless the cancellation or substantial revision has been ordered by a person authorized to act as the lawful representative in § 62-5-703, or the pre-need funeral contract as the person authorized to cancel or revise the terms of the disposition directions or the pre-need funeral contract, or unless any resources set aside or available

to fund the disposition directions or the pre-need funeral contract are insufficient to carry out the funeral and disposition arrangements set forth in the disposition directions or pre-need funeral contract.

62-5-703. Except as set forth in § 62-5-704, and in the absence of disposition directions or a pre-need funeral contract, the right to control the disposition of the decedent's remains, the location, manner and conditions of disposition, and arrangements for funeral goods and services to be provided vests in the following persons in the order named; provided, such person is a qualified adult:

(1) An attorney in fact designated in a durable power of attorney for health care who is acting pursuant to § 34-6-204; provided, the durable power of attorney for health care, in which the attorney in fact was designated, was executed by the decedent subsequent to the decedent's execution of disposition directions or a pre-need funeral contract;

(2) The surviving spouse;

(3) The sole surviving child of the decedent, or if there is more than one (1) child of the decedent, the majority of the surviving children. However, less than one-half (1/2) of the surviving children shall be vested with the rights of this section if they have used reasonable efforts to notify all other surviving children of their instructions and are not aware of any opposition to those instructions on the part of more than one-half (1/2) of all surviving children;

(4) The surviving parent of the decedent. If one (1) of the surviving parents is absent, the remaining parent shall be vested with the rights and duties of this section after reasonable efforts have been unsuccessful in locating the absent surviving parent;

(5) The surviving sibling of the decedent, or if there is more than one (1) sibling of the decedent, the majority of the surviving siblings. However, less than the majority of surviving siblings shall be vested with the rights and duties of this section if they have used reasonable efforts to notify all other surviving siblings of their instructions and are not aware of any opposition to those instructions on the part of more than one-half (1/2) of all surviving siblings;

(6) The surviving grandchild of the decedent, or if there is more than one (1) surviving grandchild, the majority of the grandchildren. However, less than the majority of the surviving grandchildren shall be vested with the rights and duties of this section if they have used reasonable efforts to notify all other surviving grandchildren of their instructions and are not aware of any opposition to those instructions on the part of more than one-half (1/2) of all surviving grandchildren;

(7) The surviving grandparent of the decedent, or if there is more than one (1) surviving grandparent, the majority of the grandparents. However, less than the majority of the surviving grandparents shall be vested with the rights and duties of this section if they have used reasonable efforts to notify all other surviving grandparents of their instructions and are not aware of any opposition to those instructions on the part of more than one-half (1/2) of all surviving grandparents;

(8) The guardian of the person of the decedent at the time of the decedent's death, if one (1) had been appointed;

(9) The personal representative of the estate of the decedent;

(10) The person in the classes of the next degree of kinship, in descending order, under the laws of descent and distribution to inherit the estate of the decedent. If there is more than one (1) person of the same degree, any person of that degree may exercise the right of disposition;

(11) If the disposition of the remains of the decedent is the responsibility of the state or a political subdivision of the state, the public officer, administrator or employee responsible for arranging the final disposition of decedent's remains; or

(12) In the absence of any person listed in subdivisions (1)-(10), any other person willing to assume the responsibilities to act and arrange the final disposition of the decedent's remains, including the funeral director with custody of the body, after attesting in writing that a good faith effort has been made to no avail to contact the individuals listed in subdivisions (1)-(10).

62-5-704. A person entitled under § 62-5-703 to the right of disposition shall forfeit that right, and the right shall pass on to the next person in accordance with § 62-5-703, in the following circumstances:

(1) Any person convicted of an offense described in § 39-13-202, § 39-13-210, or § 39-13-211, in connection with the decedent's death, and whose conviction or convictions are known to the funeral director; or

(2) Any person who does not exercise the right of disposition within seventy-two (72) hours of notification of the decedent's death or within one hundred and sixty-eight (168) hours of the decedent's death, whichever is earlier.

62-5-705. If two (2) or more persons hold the right of disposition pursuant to § 62-5-703, and they cannot, by majority vote, make a decision regarding the disposition of the decedent's remains, any of such persons or a funeral establishment with custody of the remains may file a petition asking the court with probate jurisdiction to make a determination in the matter. If a funeral establishment brings an action under this section, or relies upon this section to defend itself in a related lawsuit, the court may award legal fees and court costs associated with a petition under this section to the cost of final disposition. The court with probate jurisdiction for the county where the decedent resided may award the right of disposition to the person determined by the court to be the most fit and appropriate to carry out the right of disposition, and may make decisions regarding the decedent's remains if those sharing the right of disposition cannot agree. The court may consider the following in making such determination:

(1) The reasonableness and practicality of the proposed funeral arrangements and disposition;

(2) The degree of the personal relationship between the decedent and each of the persons claiming the right of disposition;

(3) The desires of the person who is ready, able and willing to pay the cost of the funeral arrangements and disposition;

(4) The convenience and needs of other families and friends wishing to pay respects;

(5) The desires of the decedent; and

(6) The degree to which the funeral arrangements would allow maximum participation by all wishing to pay respect.

62-5-706.

(a) In the event two (2) or more persons hold the right of disposition pursuant to § 62-5-703, and they cannot, by majority vote, make a decision regarding the disposition of the decedent's remains, no funeral establishment is liable for refusing to accept, inter or otherwise dispose of the remains of the decedent or complete the arrangements for the final disposition of the remains until the funeral establishment receives a court order or other written agreement signed by the parties to the dispute that determines the final disposition of the remains. If the funeral establishment retains the remains for final disposition while the parties are in disagreement, the funeral establishment may shelter, refrigerate or embalm the body, or all, in order to preserve the body while awaiting the final decision of the probate court. However, the funeral establishment may not charge for embalming unless expressly agreed to by the parties. Neither this section, nor § 62-5-705, shall be construed to require or to impose a duty upon a funeral establishment to bring an action under this section or § 62-5-705. No funeral establishment or its employees shall be held criminally or civilly liable for choosing not to bring an action under this section or § 62-5-705.

(b)(1) Except to the degree it may be considered by the court under § 62-5-705(3), the fact that a person has paid or agreed to pay for all or part of the funeral arrangements and final disposition does not give that person a greater right to the right of disposition than the person would otherwise have.

(2) The personal representative of the estate of the decedent does not, by virtue of being the personal representative, have a greater claim to the right of disposition than the person would otherwise have.

62-5-707. Any person signing a funeral service agreement, cremation authorization form, or any other authorization for disposition shall be deemed to warrant the truthfulness of any facts set forth therein, including the identity of the decedent whose remains are to be buried, cremated, or otherwise disposed of, and the party's authority to order such disposition. A funeral establishment shall have the right to rely on such funeral service contract or authorization and shall have the

authority to carry out the instructions of the person whom the funeral establishment reasonably believes holds the right of disposition. No funeral establishment is responsible for contacting or independently investigating the existence of any next-of-kin or relative of the decedent.

62-5-708. No funeral establishment or funeral director who relies in good faith upon the instructions of a person claiming the right of disposition shall be subject to criminal or civil liability or subject to disciplinary action for carrying out the disposition of the remains in accordance with the instructions unless the funeral establishment or funeral director knew or had reason to know that the person did not have the right of disposition.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting the language "(1)-(10)" wherever it occurs in § 62-5-703(12) in the amendment (drafting #1395776) and by substituting instead the language "(1)-(11)".

AND FURTHER AMEND by deleting the following language from § 62-5-703(1) in the amendment (drafting #1395776):

provided, the durable power of attorney for health care, in which the attorney in fact was designated, was executed by the decedent subsequent to the decedent's execution of disposition directions or a pre-need funeral contract;

On motion, Amendment No. 2 was adopted.

Senator Overbey moved that **Senate Bill No. 2916**, as amended, be placed at the heel of the Calendar for today, which motion prevailed.

Senator Overbey moved that **Senate Bill No. 2923** be placed on the Calendar for Monday, April 9, 2012, which motion prevailed.

Senator Burks moved that **Senate Bill No. 3227** be placed on the Calendar for Wednesday, April 11, 2012, which motion prevailed.

Senate Bill No. 3282 -- Military -- As introduced, clarifies that when persons are engaged in National Guard duties no private employment benefits may be curtailed or made ineligible due to such duties. Amends TCA Title 8, Chapter 33, Part 1.

On motion, Senate Bill No. 3282 was made to conform with **House Bill No. 2295**.

On motion, House Bill No. 2295, on same subject, was substituted for Senate Bill No. 3282.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

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Thereupon, **House Bill No. 2295** passed its third and final consideration by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

Senate Bill No. 3397 -- Short Term Loans and Lenders -- As introduced, requires pawnbrokers to have a computer system in operation to log certain information if so requested by a law enforcement agency; to photograph their inventory and retain such photographs for two years; and to take certain thumbprints from the pledgor. Amends TCA Title 4; Title 39 and Title 45, Chapter 6, Part 2.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 45-6-221, is amended by deleting the section in its entirety and by substituting instead the following:

(a) Each licensed pawnbroker shall have a computer system in operation, if so requested by the appropriate law enforcement agency, that is capable of electronically transferring information, and shall electronically transfer the information in text file format on pledged goods to the appropriate law enforcement agency where the pawnshop is located. A pawnbroker who is electronically transferring information on pledged goods to the appropriate law enforcement agency, as of the effective date of this section, shall be deemed in compliance with the requirements set forth in this section.

(b) In the event the pawnbroker transfers pawn transactions electronically, the pawnbroker is not required to also deliver to the appropriate law enforcement official the original or copies of the pawnbroker transaction forms. The appropriate law enforcement official may, for the purposes of a criminal investigation, request that the pawnbroker produce an original of a transaction form that has been electronically transferred. The pawnbroker shall deliver this form to the appropriate law enforcement official within twenty-four (24) hours or the next business day following the request.

SECTION 2. Tennessee Code Annotated, Section 45-6-206(a)(4), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(4) Each licensed pawnbroker shall conform to the requirements set forth in § 45-6-221.

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3397**, as amended, passed its third and final consideration by the following vote:

Ayes	27
Noes	3

Senators voting aye were: Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Massey, McNally, Norris, Overbey, Roberts, Southerland, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--27.

Senators voting no were: Barnes, Berke and Summerville--3.

A motion to reconsider was tabled.

Senate Bill No. 3452 -- Funeral Directors and Embalmers -- As introduced, clarifies that every person desiring to engage in the practice or business of embalming, not previously licensed in this state, must make application to the board of funeral directors and embalmers along with a nonrefundable fee; clarifies that the operator of a crematory facility must obtain a permit for cremation of human remains prior to performing a cremation. Amends TCA Title 62, Chapter 5.

Senator Ford declared Rule 13 on **Senate Bill No. 3452**.

On motion, Senate Bill No. 3452 was made to conform with **House Bill No. 3792**.

On motion, House Bill No. 3792, on same subject, was substituted for Senate Bill No. 3452.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

Senator Ford moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting the language "sixty (60) days" wherever it appears in subsection (b) in Section 1 in the amendment (drafting #1407276) and by substituting instead the language "ninety (90) days".

Pursuant to Rule 39(3), Amendment No. 2 was adopted by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

Thereupon, **House Bill No. 3792**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senate Bill No. 3502 -- Professions and Occupations -- As introduced, requires the Commissioner of Commerce and Insurance to maintain a registry of current locksmiths and any disciplinary actions against them on the department's Web site. Amends TCA Title 62, Chapter 11.

On motion, Senate Bill No. 3502 was made to conform with **House Bill No. 3581**.

On motion, House Bill No. 3581, on same subject, was substituted for Senate Bill No. 3502.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-11-104(a), is amended by designating the existing language as subdivision (1) and by adding the following language as a new subdivision (2):

(2) When a person, partnership, association, corporation or local or state governmental employee files an application for licensure or for renewal, such person or entity shall provide a permanent fixed business location in Tennessee for such license.

SECTION 2. Tennessee Code Annotated, Title 62, Chapter 11, Part 1, is amended by adding the following language as a new, appropriately designated section:

62-11-118.

(a) Except as provided in subsection (b), a locksmith, licensed in another state or territory, who relocates to this state shall apply for licensure pursuant to this chapter and meet all requirements set forth in this chapter, and all rules promulgated thereto, prior to providing locksmithing services in this state.

(b) Notwithstanding subsection (a), no locksmith, licensed in another state or territory, shall have to meet the initial qualification education requirements for licensure in this state or be required to pass the administrated locksmith exam if such locksmith has any one (1) of the following American Locksmith of America (ALOA) certified designations:

(1) Certified registered locksmith (CRL);

(2) Certified professional locksmith (CPL); or

(3) Certified master locksmith (CML).

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

AMEND by deleting the language "Notwithstanding subsection (a), no" in § 62-11-118(b) in Section 2 and by substituting instead the language "No".

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

On motion, Amendment No. 1, as amended, was adopted.

Thereupon, **House Bill No. 3581**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senate Bill No. 2563 -- Alcoholic Beverages -- As introduced, allows restaurant to have minimum of 40 seats instead of 75 seats for purpose of selling alcoholic beverages; clarifies that limited service restaurant may sell more than 50 percent food and still qualify for license. Amends TCA Title 57, Chapter 4, as amended.

On motion, Senate Bill No. 2563, as amended, was made to conform with **House Bill No. 3039**.

On motion, House Bill No. 3039, on same subject, was substituted for Senate Bill No. 2563, as amended.

Thereupon, **House Bill No. 3039** passed its third and final consideration by the following vote:

Ayes	22
Noes	8

Senators voting aye were: Beavers, Crowe, Faulk, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Massey, McNally, Norris, Overbey, Roberts, Summerville, Tate, Watson, Yager and Mr. Speaker Ramsey--22.

Senators voting no were: Barnes, Bell, Berke, Burks, Campfield, Finney, Herron and Stewart --8.

A motion to reconsider was tabled.

Senate Bill No. 2610 -- Landlord and Tenant -- As introduced, limits application of the "Uniform Residential Landlord and Tenant Act" to counties having a population of more than 75,000 instead of 68,000; change does not affect the current applicability of the act. Amends TCA Section 66-28-102.

On motion, Senate Bill No. 2610 was made to conform with **House Bill No. 2683**.

On motion, House Bill No. 2683, on same subject, was substituted for Senate Bill No. 2610.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 66-28-102(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a)(1) This chapter applies only in counties having a population of more than sixty-eight thousand (68,000), according to the 1970 federal census or any subsequent federal census.

(2) Notwithstanding subdivision (a)(1), for those counties first coming under this chapter according to the 2010 federal census or any subsequent census due to population growth, this chapter applies effective July 1 of the year occurring three (3) years after the applicable census is taken.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 2683**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

FURTHER ACTION ON SENATE BILL NO. 2916, AS AMENDED

Senator Herron moved to amend as follows:

AMENDMENT NO. 3

AMEND by inserting in 62-5-708 after the words "who relies" and before "in good faith" the word "reasonably".

Pursuant to Rule 39(3), Amendment No. 3 was adopted by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

Thereupon, **Senate Bill No. 2916**, as amended, passed its third and final consideration by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

MOTION

Senator Yager moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 1493** on the calendar for the Committee on State and Local Government for Wednesday, April 4, 2012, which motion prevailed.

MOTION

Senator Overbey moved that Rule 37 be suspended for the immediate consideration of **Senate Joint Resolution No. 731**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 731 -- Memorials, Recognition -- Joseph A. Swann.

On motion of Senator Overbey, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 731** was adopted.

A motion to reconsider was tabled.

MOTION

On motion of Senators Burks and Herron, their names were added as sponsors of **Senate Bill No. 1864**.

On motion of Senator Norris, his name was added as sponsor of **Senate Bill No. 2342**.

On motion of Senator Barnes, his name was added as sponsor of **Senate Bill No. 2870**.

On motion of Senator Ford, her name was added as sponsor of **Senate Bills Nos. 2916 and 3452**.

On motion of Senator Ketron, his name was added as sponsor of **Senate Bill No. 2923**.

On motion of Senators Bell, Burks, Crowe, Faulk and Overbey, their names were added as sponsors of **Senate Bill No. 3282**.

On motion of Senator Burks, her name was added as sponsor of **Senate Bill No. 3397**.

On motion of Senator Stewart, his name was added as sponsor of **Senate Bills Nos. 3406 and 3502**.

On motion of Senators Faulk, Ford, Gresham, Herron, Kelsey, Norris and Overbey, their names were added as sponsors of **Senate Joint Resolution No. 722**.

On motion of Senator Crowe, his name was added as sponsor of **Senate Joint Resolution No. 723**.

On motion of Senators McNally, Herron, Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, Norris, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolution No. 731**.

On motion of Senator Henry, his name was added as sponsor of **Senate Joint Resolution No. 738**.

On motion of Senator Yager, his name was added as sponsor of **House Joint Resolution No. 649**.

On motion of Senator Overbey, his name was added as sponsor of **House Joint Resolution No. 712**.

On motion of Senators Crowe, Faulk, Ford, Gresham, Herron, Kyle, Marrero, Norris, Stewart and Mr. Speaker Ramsey, their names were added as sponsors of **House Joint Resolution No. 828**.

On motion of Senator Beavers, her name was added as sponsor of **House Joint Resolution No. 829**.

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On motion of Senator Harper, her name was added as sponsor of **House Joint Resolution No. 831**.

On motion of Senators Massey, Berke, Ford, Gresham, Kyle, McNally and Overbey, their names were added as sponsors of **House Joint Resolution No. 832**.

On motion of Senator Johnson, his name was added as sponsor of **House Joint Resolutions Nos. 833 and 834**.

On motion of Senators Ford, Massey and Overbey, their names were added as sponsors of **House Joint Resolution No. 835**.

On motion of Senator Roberts, his name was added as sponsor of **House Joint Resolutions Nos. 836 and 837**.

On motion of Senators McNally and Roberts, their names were added as sponsors of **House Joint Resolution No. 838**.

ENGROSSED BILLS

April 4, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Bills Nos. 1864, 2821, 2870, 2871, 2916, 3397 and 3801; and Senate Joint Resolutions Nos. 722, 726 and 731; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk.

ENGROSSED BILLS

April 4, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 731, and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk.

MESSAGE FROM THE HOUSE

April 4, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 1069, 2296, 2329, 2806, 3093, 3255, 3274, 3365, 3717 and 3864; passed by the House.

JOE MCCORD,
Chief Clerk.

WEDNESDAY, APRIL 4, 2012 -- 67TH LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

April 4, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 667, 849, 850, 851 and 852; adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 4, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2230, 2237, 2742, 2870, 2900 and 3787; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 4, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2698, 2844, 3234, 3394 and 3397; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 4, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 731 and 738, concurred in by the House.

JOE MCCORD,
Chief Clerk.

ENROLLED BILLS

April 4, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bills Nos. 2698, 2844, 2870, 2900, 3234, 3394, 3397 and 3787; Senate Joint Resolutions Nos. 731 and 738; and Senate Resolution No. 92; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk.

WEDNESDAY, APRIL 4, 2012 -- 67TH LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

April 4, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 828, 829, 831, 832, 833, 834, 835, 836, 837 and 838; for the signature of the Speaker.

JOE MCCORD,
Chief Clerk.

SIGNED

April 4, 2012

The Speaker announced that he had signed the following: Senate Bills Nos. 2166, 2235, 2341, 2566, 2707, 2785, 3123, 3283, 3385, 3447, 3556 and 3558; and House Bills Nos. 2196, 2226, 2236, 2292, 2407, 2466, 2467, 2468, 2475, 2644, 2656, 2669, 2682, 2765, 2793, 2853, 2878, 2933, 3023, 3026, 3094, 3481, 3518, 3550, 3781, 3833, 3840, 3842, 3847, 3852, 3853 and 3856.

SIGNED

April 4, 2012

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 828, 829, 831, 832, 833, 834, 835, 836, 837 and 838.

MESSAGE FROM THE GOVERNOR

April 4, 2012

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 884, 2193, 2202, 2215, 2528, 2552, 2764, 2825, 3208, 3347, 3540, 3622 and 3788; with his approval.

HERBERT H. SLATERY III,
Counsel to the Governor.

ADJOURNMENT

Senator Norris moved the Senate adjourn until 9:00 a.m., Thursday, April 5, 2012, which motion prevailed.